

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

SERVER TECHNOLOGY, INC., a Nevada
corporation,

Plaintiff and Counterdefendant,

v.

AMERICAN POWER CONVERSION
CORPORATION, a Massachusetts
corporation,

Defendant and Counterclaimant

3:06-CV-00698-LRH-VPC

ORDER

Before the court is plaintiff and counterdefendant Server Technology, Inc.'s ("STI") motion to seal certain exhibits attached in support of its motion for supplemental damages and prejudgment interest (Doc. #619). Doc. #620.

As an initial matter, the court is acutely cognizant of the presumption in favor of public access to papers filed in the district court. *See Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir. 1995). Therefore, a party seeking to file materials under seal bears the burden of overcoming that presumption by showing that the materials are covered by an operative protective order and are also deserving of confidentiality. *See Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2005). Specifically, a party must "articulate compelling reasons supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure." *Kamakana, City and County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006)


1 (internal citations omitted).

2 Here, in this patent infringement action, the court has entered a protective order governing
3 documentation and testimony that is confidential to the parties' internal research and development.
4 The court has reviewed the motion and finds that the various exhibits contain information that is
5 designated "Confidential" and "Highly Confidential" under the protective order. Therefore, the
6 court finds that STI has satisfied its burden to show a compelling reason for filing the various
7 exhibits under seal.

8
9 IT IS THEREFORE ORDERED that plaintiff/counterdefendant's motion to seal
10 (Doc. #620) is GRANTED.

11 IT IS SO ORDERED.

12 DATED this 7th day of November, 2014.

13
14 
15 LARRY R. HICKS
16 UNITED STATES DISTRICT JUDGE
17
18
19
20
21
22
23
24
25
26